

By: Seliger

S.B. No. 634

A BILL TO BE ENTITLED

AN ACT

relating to the unlawful restraint of a dog.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 821.077(a), Health and Safety Code, is amended to read as follows:

(a) An owner may not leave a dog outside and unattended ~~[by use of a restraint that unreasonably limits the dog's movement]:~~

(1) in an enclosure of less than 150 square feet for each dog over six months of age ~~[between the hours of 10 p.m. and 6 a.m.]~~;

(2) ~~[within 500 feet of the premises of a school, or~~
~~(3)]~~ in the case of extreme weather conditions, including conditions in which:

(A) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;

(B) a heat advisory has been issued by a local or state authority or jurisdiction; or

(C) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service; or

(3) in a restraint.

SECTION 2. Section 821.078, Health and Safety Code, is amended to read as follows:

Sec. 821.078. EXCEPTIONS. Section 821.077 does not apply

1 to:

2 (1) [~~a dog restrained to a running line, pulley, or~~
3 ~~trolley system and that is not restrained to the running line,~~
4 ~~pulley, or trolley system by means of a pinch-type, prong-type,~~
5 ~~choke-type, or improperly fitted collar,~~

6 [(2)] a dog restrained in compliance with the
7 requirements of a camping or recreational area as defined by a
8 federal, state, or local authority or jurisdiction;

9 [(3)] ~~a dog restrained for a reasonable period, not to~~
10 ~~exceed three hours in a 24-hour period, and no longer than is~~
11 ~~necessary for the owner to complete a temporary task that requires~~
12 ~~the dog to be restrained,]~~

13 (2) [(4)] a dog restrained while the owner is engaged
14 in, or actively training for, an activity that is conducted
15 pursuant to a valid license issued by this state if the activity for
16 which the license is issued is associated with the use or presence
17 of a dog;

18 (3) [(5)] a dog restrained while the owner is engaged
19 in conduct directly related to the business of shepherding or
20 herding cattle or livestock; or

21 (4) [(6)] a dog restrained while the owner is engaged
22 in conduct directly related to the business of cultivating
23 agricultural products, if the restraint is reasonably necessary for
24 the safety of the dog.

25 SECTION 3. Section 821.081, Health and Safety Code, is
26 amended to read as follows:

27 Sec. 821.081. HAND-HELD LEASHES. This subchapter does not

1 prohibit a person from walking a dog with a hand-held leash if the
2 dog's owner or handler is physically present and in proximity to the
3 dog at all times so that the owner or handler may exercise immediate
4 physical control over the dog at any time.

5 SECTION 4. Sections 821.076(3) and 821.077(b), Health and
6 Safety Code, are repealed.

7 SECTION 5. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 covered by the law in effect at the time the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense is committed before the
13 effective date of this Act if any element of the offense occurs
14 before that date.

15 SECTION 6. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2009.